

 ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

v.

**Affirmation in Support of
Application for Order of Continuance**

EVELIN BRACY,

18 Mag. 5710

Defendant.

-----X

State of New York)
County of New York : ss.:
Southern District of New York)

Thane Rehn, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated July 3, 2018, with violations of Title 21, United States Code, Sections 846, 812, 841(a)(1), and 841(b)(1)(A), and Title 18, United States Code, Section 1956(h). The defendant was arrested on July 9, 2018, and was presented before Magistrate Judge Sarah Netburn on July 9, 2018. The defendant was represented by Thomas Ambrosio, Esq. and ordered detained.

3. At the initial presentment, defense counsel consented to a waiver of his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 14 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government


initially had until August 8, 2018 within which to file an indictment or information. On August 8, 2018, Magistrate Judge Katharine H. Parker entered an Order of Continuance extending this date until September 7, 2018. On September 7, 2018, Magistrate Judge Henry Pitman entered an Order of Continuance extending this date until October 9, 2018. On October 9, 2018, Magistrate Judge James L. Cott entered an Order of Continuance extending this date until November 8, 2018. On November 8, 2018, Magistrate Judge Robert W. Lehrburger entered an Order of Continuance extending this date until December 10, 2018.

4. Defense counsel and I have had discussions regarding a possible disposition of this case beginning July 9, 2018, and continuing to as recently as December 10, 2018. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on December 10, 2018.

5. Therefore, the Government is requesting a 30-day continuance until January 9, 2018, to continue the foregoing discussions and reach a disposition of this matter. On December 10, 2018, I personally spoke with defense counsel who specifically agreed to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
December 10, 2018



Thane Rehn
Assistant United States Attorney
212-637-2354